

Application No.: 10/583,829
Filing Date: April 5, 2007

REMARKS

Applicants have amended Claims 12-14, 16, 17 and 20, and have added new Claim 22. The amendments add no new matter and are supported by the specification and claims as originally filed. Support for the amendments can be found, for example, on page 15, lines 24-31, page 27, lines 1-5, page 20, line 16- page 21, line 2, and elsewhere throughout the specification.

Upon entry of the foregoing amendments, Claims 12 and 22 are pending and presented for examination.

Response to Restriction Requirement

In response to the restriction requirement, Applicants hereby elect to prosecute the claims of Group III, drawn to compounds of formula IV-P.

Response to Requirement for Species Election

In response to the requirement to elect a species of compounds of formula IV-P, Applicants elect, for the purposes of examination only, species of formula IV-P L is $\text{--CH}_2\text{CH}_2\text{CH}_2\text{CH}_2\text{--}$, A is C(O)--O--R^1 , R^1 is $\text{R}'\text{--O--C(O)R}''$, R' is $\text{--CH}_2\text{--}$, R'' is $\text{--CH}_2\text{CH}_3$, R^{13} is H, and R^{16} is H. Applicants' election is made with the understanding that upon a finding that upon a finding that the species is allowable other species within the genus will be examined, pursuant to M.P.E.P. §803.02.

Claims 12 and 22 read on the elected species.

Rejoinder

Applicants note that amended Claim 12 (Group III) and amended Claims 13-17 and 20 (Group IV) are related as product and process of use. Accordingly, since amended Claims 13, 14,, 17 and 20 (and by extension, dependent Claims 15 and 16) require all of the limitations of Claim 12, Applicants maintain that upon a finding that Claim 12 is allowable, Claims 13-17 and 20 should be rejoined and examined on the merits, pursuant to 37 C.F.R. § 1.104.

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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

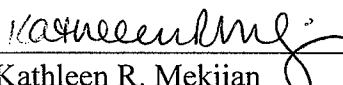
CONCLUSION

The undersigned has made a good faith effort to respond to the Restriction Requirement. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to call the undersigned attorney to resolve such issues promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 30, 2009

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